



REFORMATORY SCHOOLS (DUBLIN).

RETURN to an Order of the Honourable The House of Commons,
dated 11 March 1861;—for,

COPIES of "a LETTER dated the 17th day of December 1859, from the Honorary Secretary to the Dublin Protestant Reformatory Schools to the Inspector of Reformatory Schools, and of the REPLY of the Inspectors General of Prisons thereto, dated the 7th day of February 1860:"

"Of the LETTER of the Chief Secretary of *Ireland*, dated December 1860, to the Manager of the said Schools, ordering the discharge of *Lucy Daly*, and of the Application, Memorial, and all other Documents relating to the case on which such Order was founded:"

"And, of the MEMORIALS of *Catherine Tyrrell* to the Lord Lieutenant or Chief Secretary, dated the 22d day of November and the 11th day of December 1860, and of the ANSWER thereto, dated the 27th day of December 1860, and of all other Documents relating to the case of *Catherine Tyrrell*."

Dublin Castle, }
5 April 1861. }

THOS. A. LARCOM.

(*Sir Edward Grogan.*)

Ordered, by The House of Commons, to be Printed,
16 April 1861.

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COPY of a LETTER dated the 17th day of December 1859, from the Honorary Secretary to the Dublin Protestant Reformatory Schools to the Inspector of Reformatory Schools, and of the REPLY of the Inspectors General of Prisons thereto, dated the 7th day of February 1860.

84, Lower Dorset-street, Dublin,
17 December 1859.

Sir,

It is my painful duty to forward to you the following extracts from the minutes of the Committee of the Dublin Protestant Reformatory Schools:—

"Committee met 16th December 1859; Rev. Charles S. Stanford, D.D., the chair.

"Report of superintendent of male school was read, in which, after detailing the circumstances of the escape and recapture of a boy named William Edwards, he adds:—

"In my opinion, this restless conduct on his part is, among other causes, mainly attributable to the fact, of some of the prison* officials having endeavoured to prejudice him against this reformatory, and in favour of Glanchree. The boy states that a turnkey named Carty, who brought him from the prison here, told him that the Glanchree Reformatory would be much better for him; that there the boys get meat three times a week; have a band of music, footballs, &c., and the free run of the mountains. He also states that a prisoner, who is allowed to go about the prison in the capacity of hallman, frequently annoyed him by telling him that he would have fared better if he had said he was a Roman-catholic, in order to get with his companion to Glanchree. The boy's father also told me that he believed the boy had been tampered with, as some of the turnkeys had urged him (the father) very much to have him sent to Glanchree.

"Resolved,—That a copy of the last paragraph of the superintendent's report be forwarded to the inspector of reformatories, with the request of this committee that he would institute a strict investigation into this matter.

— "I have, &c.

The Inspector of
Reformatory Schools in Ireland.

(signed) "Thos. R. Shore, D.D.,
"Honorary Secretary."

Office of Inspector General of Prisons,
Dublin Castle, 7 February 1860.

Sir,

I AM directed by the Inspectors General of Prisons to apprise you, for the information of the Committee of the Dublin Protestant Reformatory Schools, that your letter of the 17th of December 1859 having been referred to them, received from them the most attentive consideration.

The Inspectors General deemed it inexpedient to institute a public inquiry into the circumstances stated in your letter, but took the earliest opportunity, after the appointment of the Board of Superintendence of the City of Dublin Prisons for the current year, to move that body to pass such resolutions as would prevent the recurrence of any such objectionable practices as described in your letter of December 17th, and in another communication which you addressed to them with reference to an occurrence in the Recorder's Court.

A copy of the resolutions arrived at by the Board is subjoined, and the Inspectors General have every confidence that no further cause of complaint will arise.

Rev. Thos. Shore,
8, Lower Dorset-street.

I am, &c.
(signed) John W. Gregg.

* Richmond Bridgwell.

PAPERS RELATING TO THE

Board of Superintendence, Richmond Bridewell,
24 January 1860.

PRESENT:

Alderman George Ros, J. P., D. L., in the Chair; Alderman D. Moylan, J. P.; Councillor J. Gray, J. P.; Councillor J. Dunne, J. P.; Councillor H. Price, J. P.; Councillor J. O'Neill; and Councillor J. Draper.

Resolved,

THAT the Governor of Richmond Female Penitentiary be spoken to emphatically as to the errors made in the registry of the prisoners Daly and Conner, and be cautioned for the future to make himself acquainted with the registry, and to secure its accuracy.

That a rule be made that the Governors shall, on the day after the admission of each prisoner, see such prisoner, and satisfy themselves that the registry of the religion of each prisoner is properly made, and in accordance with his or her own wish.

That the officers be cautioned not to tamper in any way with the religion of prisoners, and be informed officially that a rule will be adopted and enforced, that all officers proved guilty of such conduct will in future be dismissed.

(signed) C. P. Garvie.

COPY of the LETTER of the Chief Secretary of Ireland, dated December 1860, to the Manager of the said Schools, ordering the discharge of *Lucy Daly*, and of the Application, Memorial, and all other Documents relating to the case on which such Order was founded.

Submitted,

Office of Inspector of Reformatory Schools,
Dublin Castle, 13 November 1860.

THE enclosed letter and certificate forwarded to me by the uncle of *Lucy Daly*, who is now in Cork-street Protestant Reformatory, Dublin, and the particulars of whose sentence are given in the margin.*

It is submitted that inquiry be made from the judicial officer who passed the sentence, and that if the girl proves to be a Roman-catholic, she may be transferred to Golden Bridge Reformatory School, county Dublin.

The practice which has been pursued on two or three similar occasions of discharging the prisoner altogether, appears likely to lead to misrepresentations on the part of the juvenile when brought before the magistrates, with a view of securing early liberation.

(signed) Walter Crofton,
Inspector of Reformatory Schools.

THE Memorial of *John Daly*, of 161, Lower Church-street, Dublin (paternal Uncle of *Lucy Daly*), and of *Mary Daly* his Wife, and *Mary Anne Daly*, to Captain Crofton, Inspector of Reformatory Schools.

Sir,

LUCEY DALY, a juvenile offender, now confined in the Protestant Reformatory in Cork-street, Dublin, is the daughter of Thomas Daly and Lucy Daly his wife, whose maiden name was M'Dermott. They are both now dead, but were always Catholics, and all their families, both Dalys and M'Dermotts, were the same.

They were married in Marlborough-street Catholic Chapel in the year 1826 (we enclose their marriage certificate); all their children were Catholics, and are so still, that is, the brother and sister of this *Lucy Daly*; and this *Lucy Daly* herself went to Anne-street Chapel School, and your memorialist *Mary Anne Daly* taught her the entire of the Catholic catechism.

In June, or the beginning of July, we first heard that the reformatory she was sent to was Protestant, and your memorialist John Daly applied at the reformatory to know if she was there, and was told by one of the matrons, Miss Gibson, that she was there, but could not see her until she gained marks. She was however allowed to write to us, and we were allowed

* Name—*Lucy Daly*. Age on conviction—16 years. Date of conviction—16 December 1859. Sentence—One month's imprisonment and three years in reformatory. Tried at City Sessions, Dublin, by the Recorder.

allowed to see her on the 1st of November. It was only last week we ascertained that it was illegal for her to be there, or we would have taken advice to have her removed, as we were greatly fretted at her being there, and as her nearest relatives and guardians, we beseech you to have her removed to a Catholic reformatory, or at all events not left where she is.

Miss Gibson, the matron, called on us, Mary and M. A. Daly, yesterday evening, and said Lucy was very uneasy about our not answering her last letter, and had awful dreams about us. We said that we had ascertained that she could be removed to a Catholic reformatory, and it was not worth while writing, besides it was an insult what she said in her last letter that she wished her sister there as she would be well done for. Miss Gibson replied that she could not be transferred to a Catholic reformatory, it was against law, and she said, "Depend upon my word she will not go to her own ladies." This we said was very hard, as she had no mixture in her.

As the parents lived for upwards of 30 years in Marlborough-street Chapel parish, and were well known, we can procure any amount of evidence you may require that they and their children were always Catholics.

160, Lower Church-street,
11 November 1860.

John Daly his + mark.
Mary Daly her + mark.

Church of the Immaculate Conception, Marlborough-street, Dublin, this 9th day of November 1860.

I CERTIFY that Thomas Daly and Lucia McDermott were lawfully married according to the rite of the Catholic Church, on the 14th day of August, A.D. 1826, in the presence of Edward McDermott and Mary McDermott, as appears from the marriage register of the united parishes of St. Mary, St. Thomas, and St. George, kept in the Church of the Immaculate Conception, Marlborough-street, Dublin.

(Stamp.)

Denis Heyfron,
Curate of said United Parishes.

Sir,

Kimmage House, Rathfarnham,
17 November 1860.

I HAVE had the honour to receive your letter and the accompanying papers with reference to Lucy Daly, in respect to her commitment to a Protestant reformatory.

I beg to state, for the information of his Excellency the Lord Lieutenant, that in all such cases, when the question of a reformatory arises, I inquire immediately after the conviction in open court, from the officer of the prison in attendance, and in presence of the prisoner and all parties, the age and religion of the prisoner in question. I act upon the information at the time, and I do not take any note of it.

The circumstances of the present case had passed from my recollection, but they are recalled to it by the papers which I forward with this, and which were sent to me at my request, by the officers of Grange Gorman Penitentiary. What occurred in court, appears to me to be correctly stated by Mrs. Miles, who is one of the matrons of the institution, and whose special duty it is to attend in court, and give every information respecting the female prisoners which may be required of her.

I have no observations to add, except that I think the concluding remark in the letter of the Inspector of Reformatory Schools, as to discharging prisoners altogether, well deserving of consideration.

I have, &c.

(signed) *Fred. Shaw.*

The Under Secretary,
&c. &c. &c.

Grange Gorman Female Prison, Dublin,
17 November 1860.

My Lord,

HAVING had the honour of a communication from your Lordship on last evening, through Mr. O'Neill, the Deputy Clerk of the Peace, referring to the case of a prisoner named Lucy Daly, I have, therefore, for your information to report as follows. She was committed

mitted for trial on the 30th November 1859, tried and sentenced by your Lordship on the 16th December 1859, to one month's imprisonment, after which, to be detained in the Protestant Reformatory, Cork-street, for three years, and transmitted to same on the 12th January 1860.

When your Lordship was about to pass sentence on her, you asked me to what religious denomination she belonged; when I replied a Catholic, Mrs. Miles, one of the female officers of the prison, who was present at the time, said the girl was a Protestant, and that she had seen her in church; knowing that this officer was much more in immediate contact with the prisoners than I could possibly be, I felt at the moment that I was under a mistake, and so stated to your Lordship; however, upon my return home, I examined the registry of untried prisoners, and found the entry to be "Roman Catholic," this is all I know personally of the transaction. Mrs. Miles, the officer referred to, and Thomas McDermott, the assistant clerk, who received the prisoner, will furnish your Lordship with a statement of the circumstances as far as they are concerned, which will bring the matter to a close, and trust prove satisfactory to your Lordship.

I beg further to observe, that this prisoner had been previously incarcerated, and had entered herself a Roman Catholic.

I have, &c.
(signed) *Thomas L. Symonds,*
Governor.

The Right Hon. the Recorder.

The Right Honourable the Recorder.

My Lord,

In compliance with your order, relative to the two girls, Margaret Connor and Lucy Daly, sentenced by you, on the 16th December 1859, to one month in Grange Gorman Female Prison, and three years each to the Protestant Reformatory, Cork-street, I beg leave to state, that on my going to see the prisoners for trial, in the class for untried prisoners, and seeing there two very young girls, and thinking it would be a great blessing to them to be sent to some reformatory, I asked each of them what religion they belonged to, and they both told me they were Protestants. I was quite satisfied with their reply, and had no conversation with them on that point, and thought no more about it until after their being found guilty in your court, when you inquired their religion, to enable you to sentence them to the reformatory for the persons of the same religion. Mr. Sinnott, on the moment, replied that they were both Roman Catholics. Believing him to be under a mistake in the matter, I immediately said, "My Lord, those girls are both Protestants, and the Protestant Reformatory, Cork-street, is the right place for them." Mr. Sinnott then stepped down, and spoke to either one or both of the girls, and he then said, "My Lord, it is all right, they are Protestants;" and then your Lordship gave their sentence of one month to Grange Gorman, and then three years to the Protestant Reformatory, Cork-street, on each of the prisoners.

After that, the Local Inspector of the Prisons of Dublin examined into the case, and ordered that your sentence should be carried fully out. The Inspectors General of Prisons visited the prison on purpose, and inquired fully into the entire case; they examined the two girls, who each told them that they were Protestants. They said, that on coming into the prison, they were not asked anything about their religion in the office, but that the next morning the matron of their class asked them, and they told her they were Protestants. She took them to church, before their trial and after their trial, until they went to the reformatory. The matron, in whose class they were during that month, took them always to church, and both of the matrons who had them in charge in this prison are Roman Catholics.

The Board of Superintendence also investigated the matter, and with the knowledge and sanction of all the authorities, they were sent to the Protestant Reformatory. All the inquiries arose from what passed in the court, and these are the facts of the case.

I have, &c.
(signed) *Jane Miles.*

Grange Gorman Prison,
17 November 1860.

Sir,

Grange Gorman Prison, 17 November 1860.

With reference to the entry of the religion of prisoner Lucy Daly in the registry of prisoners committed for trial, which occurred on the 30th November 1859, I beg to state, that as nearly as I recollect this individual occurrence (as was my usual custom), I asked her religion, and registered her a Catholic upon her own statement to that effect. I must observe, that in the month of June previous she was committed to this prison, and registered herself a Catholic.

I have, &c.
(signed) *Thos. McDermott, Jun.*

E. S. O'Neill, Esq.

To His Excellency the Earl of *Carlisle*, Lord Lieutenant and Lieutenant Governor of Ireland.

The MEMORIAL of *John Daly*, *Mary Daly*, his wife, and *Mary Anne Daly*.

MEMORIALISTS beg to call your Excellency's attention to the case of *Lucy Daly* a Catholic girl whose father and mother were always Catholics, and also every member of their family, and the girl herself, although well instructed in her religion by us, has been confined in a Protestant reformatory since last January. Some months ago memorialists ascertained for the first time what had become of the girl, and *John Daly* called at the Protestant Reformatory in Cork-street and told them that the girl was a Catholic, but could not find how to get her out. In October last your memorialist learned that the law did not permit Catholic children to be placed in Protestant reformatories, and they applied to Captain Crofton the Inspector of Reformatories to have her removed. Captain Crofton would not see memorialists, but sent us word to put our statement in writing, which we sent him, with the marriage certificate of the girl's parents. This happened at least five or six weeks ago, and notwithstanding, she is still in the Protestant reformatory. Memorialists *Mary* and *Mary Anne Daly* called yesterday at the Protestant Reformatory and saw *Lucy Daly*, who was not allowed to answer their questions, and they were grossly insulted by Miss Cooke the manager of the reformatory.

Memorialists pray that their niece may be discharged without any more delay from the Protestant reformatory, or removed to a Catholic one. She has now been nearly a year illegally detained in a place where she is not only deprived of the advantages of her religion, but is taught the doctrines of another.

We therefore pray, that your Excellency will not allow this to continue any longer, and your memorialists will ever pray.

John Daly × (his mark).

Mary Daly × (her mark).

Mary Anne Daly × (her mark).

160, Lower Church-street.

COPY of the Opinion of the Law Officers of the Crown relative to *Lucy Daly*, an inmate of the Cork-street Protestant Reformatory.

UNDER the circumstances of this case, and having regard to the age which *Lucy Daly* appears to have attained at the time of her committal, we think that the most proper course will be to have her discharged by the order of the Chief Secretary, under the 7th Section of the 21 & 22 Vict. c. 103.

(signed) *R. Deasy*,
Thomas O'Hagan.

11 December 1860.

Dublin Castle,
14 December 1860.

Sir,

THE case of *Lucy Daly*, an inmate of the Cork-street Juvenile Reformatory, who was convicted at the Dublin Sessions on the 16th December 1859, of attempting to pick pockets, and sentenced to one month's imprisonment, and to be kept for three years in the reformatory, having been under my consideration, I desire that the said *Lucy Daly* be discharged.

You are requested to acknowledge the receipt of this order by return of post.

I am, &c.
(signed) *Edward Cardwell*.

The Manager of the Juvenile Reformatory,
Cork-street.

Dublin Castle,
14 December 1860.

John Daly,

I HAVE to acknowledge the receipt of a memorial signed by you, Mary Daly and Mary Anne Daly, on behalf of Lucy Daly, an inmate of the Juvenile Reformatory in Cork-street; and to inform you that an order has this day been issued for Lucy Daly's discharge.

160, Lower Church-street.

I am, &c.
(signed) *Edward Cardwell.*

Sir,

Dublin Castle, 14 December 1860.

WITH reference to the case of Lucy Daly, an inmate of the Cork-street Juvenile Reformatory, I have the honour to inform you that upon a full consideration of all the circumstances of the case, her discharge from that institution has been deemed advisable, and an order has been issued for that purpose accordingly.

The Right Hon. the Recorder.

I have &c.
(signed) *Edward Cardwell.*

Sir,

Dublin Protestant Reformatory School,
103, Cork-street, Dublin, 15 December 1860.

I now leave to acknowledge the receipt of your letter of yesterday's date, directing that an inmate of this school named Lucy Daly should be discharged, and I have to state that, in compliance therewith, she was discharged forthwith.

The Right Hon. Edward Cardwell,
Chief Secretary for Ireland,
&c. &c. &c.

I have, &c.
(signed) *Thomas R. Shore, n.b.,*
Honorary Secretary.

COPY of the MEMORIALS of *Catherine Tyrrell*, to the Lord Lieutenant or Chief Secretary, dated the 22d day of November and the 11th day of December 1860, and of the ANSWER thereto, dated the 27th day of December 1860, and of all other Documents relating to the case of *Catherine Tyrrell*.

To His Excellency the Earl of *Carlisle*, K. G., Lord Lieutenant, &c. &c., of Ireland.

The MEMORIAL of *Catherine Tyrrell*, widow,

Humbly sheweth,

THAT memorialist's son, James Tyrrell, now aged 14½ years, was in the month of October last, sent by the magistrates of Capel-street Police Office, to a reformatory school at Glanchree, in the county of Wicklow, which school is an exclusively Roman Catholic institution.

That memorialist's said son James Tyrrell is not, nor ever was, a Roman Catholic, for his deceased father was always a Protestant, as memorialist has always been; and they always reared James in the Protestant faith, and he never professed any other, until, at the time of his being sentenced, he was tempted to say he was a Roman Catholic, in order that he might be sent to the same school with some of his companions, from whom he was anxious not to be separated, and memorialist was never inquired of as to his religion when he was thus sentenced to be a Roman Catholic.

Memorialist encloses a certificate from his parish minister who knows well that she

she and her said son are Protestants; and she humbly implores that your Excellency will be graciously pleased not to allow him to be detained in a school where he must be compelled to adopt a religion to which neither he or his parents ever belonged, but that he may be transferred to the Protestant Reformatory School, where he will be educated in the religion of his parents, in which he himself had always been reared.

Vestry Room, St. Nicholas Church,
41, Nicholas-street, Dublin.

her
Catherine + Tyrrell.
mark.

I CERTIFY that I have known Catherine Tyrrell and her son James, who have been living in this parish for several years, and that they are members of the Established Church; and I was quite annoyed to hear that he, whom I know to be a Protestant, should have been sent to a Roman Catholic reformatory school. The slightest inquiry in this parish, where both mother and son are well known, would have left no doubt as to the boy's religion. I am sure that it only requires to have the error made known to have it promptly rectified.

(signed) *Edward Childs,*
Curate of St. Nicholas (within the Walls),
Dublin.

22 November 1860.

Police Court, Capel-street,
29 November 1860.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 28th instant, accompanied by the memorial in behalf of James Tyrrell, which I herewith return; and beg leave to state, for the information of the Lord Lieutenant, that the prisoner was committed to Richmond Bridewell for vagrancy seven times in the year 1854, and once in the year 1857, and on each of those occasions he registered himself as a Roman Catholic. On the last occasion, when brought before me, charged with the felony of potatoes in the month of October, he said he was a Roman Catholic, and that his parents were dead. His mother did not appear in court, nor was there any intimation on her part, or that of any other person, that the boy was a Protestant; and having therefore no doubt that the boy belonged to the religion of which he professed to be a follower. I accordingly committed him to a Roman Catholic reformatory under the provisions of the statute, not being aware that his mother was in existence at the time. It was her duty to have come forward, and prevented me from being misled by the misrepresentations of her son as to the death of his parents.

I have, &c.

The Under Secretary, &c. &c.
The Castle.

(signed) *J. W. O'Donnell.*

To His Excellency the Earl of Carlisle, K.G., Lord Lieutenant of Ireland, &c., &c.

The Memorial of *Catherine Tyrrell*, Widow.

Humbly sheweth,

THAT nearly three weeks ago she informed your Excellency that her son, James Tyrrell, her only child, was sent to Glencree Reformatory School, to be there reared a Roman Catholic, although his father and mother were always Protestants, and he was himself always reared in the Protestant faith, and in no other, as will appear by the certificate of her parish minister sent in to your Excellency.

That she is sure your Excellency will not allow a Protestant child, scarcely more than fourteen years of age, to be reared by force in a religion contrary to that of his parents; and yet every day that he is forced to remain at Glencree is occupied in teaching him a religion, which his surviving parent believes to be a false one.

That she is informed that the religion of his parents should have been inquired into before he was sentenced to any reformatory, but that no inquiry whatever was made on the subject.

That she would not again have troubled your Excellency, but that no notice whatever was taken of her former petition.

That she humbly begs that your Excellency will at once cause her said son to be removed to a Protestant school.

And your petitioner will ever pray.

Vestry Room, 41, Nicholas-street, Dublin,
11 December 1860.

her
Catherine x Tyrrell,
mark.

Catherine Tyrrell,

Dublin Castle, 27 December 1860.

I AM directed by the Lords Justices to acknowledge the receipt of two memorials relative to your son, at present confined in Glencree Reformatory, and I am to acquaint you in reply that the case does not call for any interference on the part of the Government. It appears from the statement made by the transmitting magistrate that the boy stated his parents were dead, and that he was a Roman Catholic. The magistrate was bound to set upon that statement, and to send him to a Roman-catholic reformatory.

A power of appeal is given to a parent or guardian by the 7th section of the Juvenile Reformatory Act (21 & 22 Vict. c. 103), and that is the course which you should adopt in order to have the sentence revised.

I am, &c.

Dublin Castle,
27 December 1860.

(signed) *Thos. A. Larcom.*

1, Upper Pembroke-street,
5 January 1861.

Sir,

I AM directed by the Dublin Catholic Reformatory Committee to call the attention of Government to a letter signed "Clericus," appearing in the Dublin Daily Express newspaper of Wednesday, the 2d January instant, in which it is stated that the Lords Justices have, in reply to the memorial of a widow named Tyrrell, a Protestant, whose husband was also a Protestant, refused to discharge her son James Tyrrell from St. Kevin's Reformatory for Catholic Boys, Glencree, although about the same time an order was issued for the discharge of a Roman Catholic girl from the Protestant Girls' Reformatory, Cork-street, who had been sent to it by mistake under precisely similar circumstances. It is also stated in this letter that their Excellencies have directed the widow to appeal under the provisions of the 7th section of the Act, but in consequence of her ignorance and poverty she was unable to lodge it in sufficient time to apply to have the sentence reversed at the next sessions under the Act.

The Dublin Catholic Reformatory Committee beg to observe that, in their opinion, it is essential to the well working of the Act that all such cases should be immediately discharged from custody as soon as ascertained, and that no child should be left in a reformatory when any doubt exists as to the religion. The public mind in Ireland is peculiarly sensitive on the subject of proselytism, and no cause of dispute should be permitted to exist.

The Protestant and Catholic Reformatory Committees have up to the present worked in perfect harmony, and it would be a pity to disturb it by forcing children sent through mistake to a wrong reformatory to remain in it, until sectarian feelings were aroused, and subscriptions should be set on foot for the purpose of instituting legal proceedings to bring the matter before a superior court.

The Dublin Catholic Reformatory Committee have inquired into the two cases named in the letter above referred to, and they find that in neither could an appeal have been presented; the Protestant widow was too late to lodge her appeal; and the Roman-catholic girl had been already 11 months in the Protestant Reformatory before her case was decided; she, however, was discharged by their Excellencies, and this Committee respectfully submit that a like order should be made in Tyrrell's case, which is even stronger, as the mother is alive.

The

The Dublin Catholic Reformatory Committee, and the manager of St. Kevin's school, are particularly anxious that no cause of complaint should be allowed to exist in the carrying out of the Schools' Act, and they therefore earnestly entreat you to impress on the Government the necessity of discharging this boy.

He has already undergone a punishment for his crime, and no harm can result from his discharge, as if he should again offend, and be considered a proper subject for a Reformatory, he can be sent to one.

The power of discharge is expressly given in the 7th Section of the Act to the Chief Secretary.

The Committee beg you will excuse their troubling you in this case, but they feel it is one of paramount importance.

I have, &c.

(signed) *Patrick Joseph Murray,*
Honorary Secretary, Dublin Catholic
Reformatory Committee.

The Under Secretary,
&c. &c. &c.

Sir,

Dublin Castle, 9 January 1861.

I AM directed by the Lords Justices to acknowledge the receipt of your letter of the 5th instant, relative to James Tyrrell, who is at present confined in St. Kevin's Reformatory at Glencree, and I am to acquaint you for the information of the Reformatory Committee, that there has been error in supposing the time was past for appeal; on the contrary, the appeal has been lodged, and will be proceeded with at the next sessions, that having been considered the course most advisable under the circumstances of the case.

I am, &c.

(signed) *Thos. A. Larcom.*
Patrick Joseph Murray, Esq.
Hon. Sec. Dublin Catholic Reformatory Committee,
1, Upper Pembroke-street.

REPORT.

IN the matter of the boy *James Tyrrell*, a Juvenile Offender, sentenced under the Reformatory Schools (Ireland) Act, by J. W. O'Donnell, Esq., Divisional Justice of the City of Dublin, on 8th October 1860, to be sent, after an imprisonment of 14 days, to Glencree Roman Catholic Reformatory School for five years.

5 January 1861.

RECEIVED instructions from the Government to lodge the necessary notice of appeal, on the part of Catherine Tyrrell, mother of James Tyrrell, and conduct the case under the 21 & 22 Viet. c. 103.

In compliance therewith, I lodged the documents necessary to prosecute the appeal of Catherine Tyrrell, as parent, at the Quarter Sessions Appeal Court, on the 16th January, to have the order of Mr. O'Donnell varied, in the respect of having the boy removed to a Protestant reformatory, on the grounds that the mother (a widow) was a Protestant.

I carefully examined the facts of the case, waited upon the Rev. Mr. Shore and Mr. Childs, the Protestant clergymen of the parish in which the boy and his mother resided; also upon the Rev. Mr. Macsory, and with him examined the registry of baptisms in St. Peter's Church, where the mother stated she had had the boy baptised, where, however, there was no entry of the baptism.

As the question of the common law right of the boy, if over 14 years of age, to choose his own religion, was likely to arise, I examined all the means suggested by his mother, to establish her statement that he was under that age.

N.B.—It was during my examination of the mother that it first transpired that he was under 14 years of age.

I also waited upon Mr. O'Donnell, and, at his request, examined his office police constables as to what occurred in Court when the order was made.

I instructed Mr. Charles Robert Barry, q. c., the first Crown Prosecutor, to appear on behalf of Catherine Tyrrell, at the Appeal Court, and the following is a detailed account of the proceedings thereat:—

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CITY OF DUBLIN QUARTER SESSIONS COURT, 18 JANUARY 1861.

Before the Right Honourable the Recorder.

Catherine Tyrrell	-	-	-	-	-	Appellant.
J. W. O'Donnell	-	-	-	-	-	Respondent.

Reformatory Case.

Mr. Barry, *q.c.*, stated that this was an appeal brought by the Crown, in the name and on the behalf of a woman named Tyrrell, in order to have an adjudication on the case of her son, a boy named James Tyrrell, who, having been convicted before the magistrates on a charge of having illegal possession of potatoes, was sent to Glencree Reformatory for five years. The boy was young, undoubtedly, under fifteen years of age; but he had been, within a period of four years, imprisoned eight times by the magistrates under their summary jurisdiction. Upon each occasion he represented himself to the magistrates to be a Roman Catholic, and on the last occasion he stated that his age was fourteen years. That was a fact of importance, because on the last occasion he represented himself to be a Roman Catholic; he also stated that his parents were dead. After he was committed to Glencree Reformatory, without any objection having been made to the sentence, a memorial was sent to the Chief Secretary by a woman who represented herself to be the mother of the boy, stating that he was of the Protestant religion, as she was herself, and as his father, who was dead, had been. That exactly brought the case within a question of law of a very serious character, which had been raised upon the construction of the Act of Parliament, and upon which very eminent authorities differed. Under the seventh section of the Act the boy was to be sent to a reformatory, under the exclusive management of persons of the religious persuasion professed by his parents or guardians where the religion is known. An opinion has been given by eminent authority that that did not apply to the case of a boy over fourteen years of age, because a boy of that age was supposed to be capable of determining for himself as to his religion, and if he determined to be of a particular religion, that was the religion which should regulate the reformatory to which he was to be sent. On the other hand, it was contended by equally eminent authority, that whether the boy was, or was not, fourteen years of age, made no matter; that the words of the Act were conclusive as to the religion of the reformatory being that of his parents. In that state of the facts the authorities had no power, except either to discharge the boy or to send him to another reformatory of the same religion as that to which he had been sent. His Lordship had already spoken in his charge to the grand jury of the expediency of turning a boy loose after being committed to a reformatory.

The Recorder said he believed that to discharge a boy after he was sent to a reformatory was calculated to bring the administration of justice into great disrepute; but was there not a power of changing the reformatory?

Mr. Barry replied, that under the Act of Parliament, there was no other course, except to discharge the boy, or send him to another reformatory of the same religion as that to which he had been originally sent.

The Recorder called attention to the words of the 20th section, which provided that a child should be removed to some reformatory under the management of persons of the same religious persuasion as that to which he or she might have been originally committed; not "was," but "might have been."

Mr. Barry thought the meaning of the section was, that the child was to be sent to such reformatory as he or she might have been legally sent to, and that that question would have to be determined by a proper tribunal, namely, the tribunal by which the order was made on the Court of Appeal.

The Recorder said, he did not see why the Government could not send a boy to where they thought he might have been legally committed.

Mr. Barry did not think the 20th section was intended to impose on the Executive the duties, or confer on them the power of a Court of Appeal; at all events, it

it would be much more satisfactory, and for the benefit of the country, that the question should be publicly decided by the competent court, whether, if a boy were upwards of 14 years of age, the Act of Parliament made the religion of the parents determine the reformatory to which he should be sent, irrespective of his common law right of determining for himself.

The Recorder said, he did not know what means he had of deciding the matter.

Mr. Barry contended, that under the clause giving the right to appeal which was against the order only as far as regarded the reformatory, his Lordship had the power of inquiring, upon oath, into all matters which would determine whether the boy had been sent to a proper reformatory.

His Lordship inquired whether any one was present to represent the boy. If he had made representations, he had some interest in verifying them; fraud, too, might be practised, and it might be alleged that other persons were the parents, and that the woman was not the parent at all.

Mr. Barry said, the Crown solicitor had inquired into the case, and satisfied himself that the woman was the mother of the boy.

The Recorder thought it would be desirable that the boy should be present before the matter was decided.

Mr. Barry did not think there was any machinery to enable the Court to have the boy brought up, but he had no doubt that if his Lordship thought it desirable, the boy would be sent up by the manager at Glencree. The Act of Parliament, however, gave no power to compel his being sent.

His Lordship remarked, that it was a piece of amateur legislation; no person had taken charge of it, but the motive and principle being good, the Legislature had determined to give the matter a trial.

It was finally arranged that the boy should be in attendance, and the matter discussed on Tuesday, 22d January.

On the next morning, 19th January, I wrote a letter to the Chief Secretary, suggesting that the expense and delay of applying to the Queen's Bench to have the boy brought up might be avoided by a request from the Government to the managers of the Glencree Reformatory to have him in attendance on the following Tuesday.

This course was adopted by the Government, and on Tuesday the 22d January the Rev. Mr. Lynch, Roman Catholic clergyman, and manager of the Glencree Reformatory, attended with the boy before the Recorder, when the case came on as adjourned; and

Mr. Barry said, before going into the evidence he had to lay before the Court, he thought it right to allude to the fact, that in one of the reports of the former proceedings it was stated that he represented the Government authorities as conceiving that they had power to discharge a boy, circumstanced as young Tyrrell was, or to send him to a Protestant or to a Roman Catholic reformatory. He stated that they might discharge the boy, but that they had not, and certainly never exercised, the jurisdiction of altering the sentence of the Court, by changing the youth from the reformatory to which he had been consigned to one of a different religion. It was for the tribunal he now addressed to correct any error that might have been committed by the Court below, and his Lordship could do so by taking evidence and examining the matter with all the solemnity of a public Court. The Executive had not such a jurisdiction, and if they had, there was no machinery for exercising it. With reference to the Act itself, he should observe that it was taken from the English Act, and any deficiency in it was therefore to be attributed not to Irish, but to English legislation. The only difference between the two Acts was, that relating to Ireland contained certain clauses to meet the difficulties on religious matters which existed in this country, and not in England. In the work of Mr. Murray, who had bestowed a great deal of attention to the subject, the words "might have been originally committed" were said to mean "had been originally committed." In other words, that the judgment of the Court was the test by which the Executive was to be guided. In the present case, the Court had to decide a question of fact and a question of law. The question of fact was, whether or not the boy was upwards of 14 years of age, and it was with reference to that that

the question of law arose. He was supposed to be, at the age of 14 years, capable of forming a conscientious opinion as to the creed he should follow. If the boy Tyrrell, then, was 14 years of age, a question of great gravity arose. The 7th section of the Reformatory Act contained these words: "Provided that no such offender shall be liable or directed to be sent to any such reformatory, except to some one reformatory, under the exclusive management of persons of the same religious persuasion as that professed by the parents or guardians of such juvenile offender." These words in themselves were unambiguous and clear, irrespective altogether of any declaration of opinion, or possession or profession of any opinion by the boy on the subject of religion, and whether he was upwards of 14 years of age or not—

The Recorder.—Provided he be under 16 years of age.

Mr. Barry.—Of course the reformatory is to be determined by the religion of his parents or guardians. It then provided that if the religion of the parents be unknown, the religion in which he was baptised, or of which he professed to be a follower, should determine the reformatory to which he should be sent. In the first instance, then, the religion of the parents was to be ascertained, and next, the age of the boy. If he was 14 years of age, then came in the question as to the common-law right of every one in the land of that age to fix his own religion; a right which had been decided by the authorities, as he had already stated. It might be supposed to be an extreme case that a young culprit of 14 years should have the option of deciding as to his religion, but they had nothing to do with that matter. The question was, if a boy of 14, in fact, determined to be a Protestant, or to be a Roman Catholic, was that youth to be sent to persons who would teach him a religion which he rejected, the law supposing he was capable of accepting or rejecting it? It was stated by high authority that that would be a reading of the Act repugnant to the common law, and unconstitutional. Then was the Court to send the boy to the reformatory of the religion which he professed himself, or to treat the case as one not provided for by the Act of Parliament? Clearly, if the boy was under 14 years of age, he must be sent to a reformatory under the management of persons of the same religious persuasion as his parents; but, if he was over that age, then the other question arose. His mother was in attendance, and her statement was, that the boy would not be 14 until 26th July next. The boy himself, at the police office, represented himself as going on 15 years of age, and he was so registered in the prison books. He also, within the last hour and a half, in reply to the question how he knew he was going on 15, said he heard his mother say so to a Mrs. Lee, about four months ago. Mr. Anderson at once made out Mrs. Lee, and she was present to be examined. The mother stated that the boy was baptised in St. Peter's church, Aungier-street. Mr. Anderson had search made in the books, and no entry of such a baptism could be found. The present clergyman stated that the registry had been regularly kept. This was, however, stated to have occurred in the time of a former clergyman. It was very desirable that the question of law involved in this case should be settled by this, the highest tribunal in the land to whom the question could be referred, for the guidance of those who had the administration of this salutary Act.

The Recorder.—I think that the value of the opinion of any tribunal depends very much on its confining itself to that which is its duty to decide upon. Whatever may be the law with regard to the very important question as to the right of a boy over 14 years of age, I consider that I shall not be called upon to decide it, and for this reason: the Act most distinctly declares two things; one, that the tribunal about to send a boy to a reformatory shall first ascertain whether he is under, not 14, but 16 years of age; and then it says, "Provided that no such offender shall be liable, or directed to be sent to any such reformatory, except to some one reformatory under the exclusive management of persons of the same religious persuasion as that professed by the parents or guardians of such juvenile offender." Quoad this case, I think the Act stops there. It goes on, as Mr. Barry stated, to provide that if the religion of the parents be unknown, then the religion in which the boy was baptised, or which he professed, should determine the reformatory to which he should be sent; I do not therefore intend to give any opinion except on the case before me. I have to ascertain two things; first, is the boy under 16 years of age? and next, what was the religious profession of his

his parents? I will not go further than that. I have looked into the case very carefully since it was last before me, and I feel, as I have said already, that no judge should decide more than he is called upon to do in the matter before him.

Mr. Barry, q. c.—It may not be now expedient or necessary to discuss it, but it appears to me that your Lordship's decision will involve a decision on the point I have mentioned.

The Recorder.—I think not, if I am satisfied that the boy is not 16 years of age, and as to the religion of his parents. If not, I may have to go into the other matter, but at present I will confine myself to the two questions of fact. I will not, however, limit you in the examination of witnesses. When the other questions come before me, I will arrive at a decision as to them. At present I will not go further for my own satisfaction than the two matters of fact, for the reasons I have stated.

Mr. Barry, q. c.—That I think will, in effect, decide the other point. I do not at all quarrel with your Lordship's decision. If my own opinion were asked, I think the words of the Act exclude the possibility of his being sent to any other reformatory than that one which is under the exclusive management of persons of the religion professed by his parents.

The Recorder.—You are quite right.

Mr. Barry, q. c.—That is certainly my opinion.

The Recorder.—We do not differ then.

The following evidence was then given :—

Catherine Tyrrell, examined by Mr. Barry, q. c.—I have no way of living except by doing washing. My husband died five or six years ago; his name was George; this boy's name is James; my husband was a shoemaker; he was a Protestant; he belonged to the Established religion, so am I; we are Protestants at both sides, and all belonging to us. I never knew my son to go anywhere but to the Protestant Church; whenever I went, I always brought him. The last time I was bringing him, he said to me, "Mother, go you on before me, and I will follow you, for these boys here will be calling me a Swaddler." That occurred in Kennedy's-lane, where I live. "Well, Jemmy," said I, "they are not ashamed to go to their place of worship, and you ought not to be ashamed to go to yours." I then took him to church with me; that was a couple of months before he was sent to the reformatory in October last. Sometimes he would run away from me when I tried to bring him to church, but if he did not go there, he never went anywhere else, but used to play in the streets.

Mr. Barry.—What is his age?

Witness.—That boy of mine will not be 14 years of age until the 26th of next July.

Did you ever say he was going on 15?—To my knowledge I did not. I was out of my mind when he was taken, and do not know what I said, but that is the boy's age. When he was taken up before it was only for looking for a hit to eat. This is the first time he was taken up for anything else. I could not leave him sufficient to support him, and was away at work to earn a little, and he used to look for a hit. I do not recollect telling Mrs. Lee that he was going on 15. She is here, and will state whether I did or no.

To the Court.—I do not know what year he was born in, but I know he will be 14 next birthday. He was born on the 26th July, and was 13 last July.

To Mr. Barry, q. c.—He was baptised in St. Peter's church. I was so bad after he was born that I was some months in bed, and Dr. Cotton got a person to nurse the boy. She refused to nurse him until he was baptised, as she said it was unlucky, and she told me she would take him and get him baptised. I asked her not to do so, and that when I was able I would get it done. I went before I was well able to do so to Peter's church, and had him baptised by the Rev. Mr. Newland. Dr. Porter was also present. I was churched at the same time.

To the Court.—My husband and all belonging to us at both sides were staunch Protestants. I do not recollect the year I was married. The ceremony took place in Cullinstown by a Protestant minister.

The *Recorder* (to James Tyrrell).—Do you wish to say anything to your mother?—Tyrrell, who is a dogged, determined-looking boy, answered without hesitation, or the exhibition of any feeling, "No, your worship; any one would take me to be more than 14."

The *Recorder*.—I, for one would certainly take you to be under 14. Have you anything else to say?

Tyrrell.—I heard her tell Mrs. Lee I was going on 16.

What is your birthday?—I can't tell.

The *Recorder*.—I would not take him to be 14. He is very small for his age.

To the Boy.—Do you wish to ask any question?

Tyrrell.—Whenever I could I used to go to chapel.

The *Recorder* (to Mrs. Tyrrell).—Did you ever know him to go to a Roman Catholic chapel?

Witness.—I never did, my Lord; never.

The *Recorder*.—You are not 16, at all events?

Tyrrell.—No your worship, I am going on 16.

How do you know you are going on 16?—I have it from her own lips.

Mary Lee, examined by Mr. Barry, q.c.—I live in Kennedy's-lane, in the same house with Mrs. Tyrrell. About the time the boy was sent to gaol I heard her say that he was going on 16, and that against the time he was out of the reformatory he would be 20 years, that is, when the five years would be up. I could not say where the boy used to go to on Sundays. I heard the mother say that the nurse got him baptised in the chapel, but that she afterwards got him baptised in Peter's Church. That I heard her say frequently.

Mr. Thomas Wilson, clerk of Peter's Church, deposed that search had been made for 20 years, and no entry had been found of the baptism. The mother was a constant attendant at the church in the Rev. Mr. Newland's time. Remembered her before she was married. An entry was always made of baptisms. They are very particular. Never saw the boy at church.

Mr. Anderson said he had searched the books also, and could find no reference to "James Tyrrell."

Mr. Thomas Bailly, examined by Mr. Barry, q.c.—Knows Mrs. Tyrrell and her son. She is a Protestant. Heard that the boy attended church once, at all events. Know the father; he was also a Protestant. Heard the mother calculating with a Mrs. Lee that the boy would not be 14 years of age until next June. They were calculating, as illiterate persons will, by contrasting different events.

To the Court.—I do not think the boy is 14, from his appearance.

The *Recorder* (to Mr. Costigan, the officer in charge of Tyrrell).—Have you any observation to make?

Mr. Costigan.—No, my Lord.

The Rev. Mr. Lynch gave a similar answer to the inquiry of his Lordship.

To Mr. Barry.—The boy represented himself as a Roman Catholic since he came to the reformatory.

The *Recorder*.—There is no doubt, Mr. Barry, as to these two facts: first, that the boy is under 16 years of age.

Mr. Barry.—That is quite clear.

The *Recorder*.—And that the father and mother were Protestants of the Established Church?

Mr. Barry.—Yes, my Lord.

The *Recorder*.—That is all for my present purpose I wish to ascertain. His Lordship then proceeded to deliver the following judgment:—This is an appeal

appeal to me, under the 21 & 22 Vict. c. 103, the seventh section providing "That whenever any order shall be made under this Act by any divisional justice for sending any juvenile offender to any reformatory school, it shall and may be lawful for any parent to appeal against such order to the Recorder of Dublin." It is a very peculiar appeal, and applies solely to the order sending the juvenile offender to a reformatory, and not to any other part of the judgment; I am, therefore, to put myself into the position of the divisional justice at the time he made the order as to the reformatory, with this only difference, that he had to investigate in a summary manner what I have the power to investigate upon oath by virtue of the appellate jurisdiction given me by this statute. The statute enacts that the divisional justices shall send the juvenile offender to a reformatory "under the exclusive management of persons of the same religious persuasion as that professed by the parents of such juvenile offender," also, that the age of the juvenile offender must not exceed 16 years. The only two questions, then, that I have to determine, are, whether the juvenile offender is under 16 years of age, and what religious persuasion was professed by his parents. I have upon these points examined the alleged mother upon oath, and am satisfied that she is his mother; that he is under 16 years of age, and that his parents were of the religion of the Established Church. I thought it right that the boy should be present, that I might have the opportunity of seeing him, that he might make any observations he thought right, or suggest any question for me to put to his mother in the nature of cross-examination; and also, as my decision must be in the nature of a criminal sentence upon him, that he should be present while it was pronounced. These being the circumstances, I have satisfied myself beyond any reasonable doubt that the boy is under 16 years of age, and that his parents were both members of the Established Church, and, therefore, I consider my simple duty to be to order that James Tyrrell be sent for the term ordered by the divisional justice, viz., five years from the period fixed by him, to the reformatory school situated at 3, Rehoboth-place, South Circular-road. A question has been raised whether, if the boy is above 14 years of age, he has not a common law right to choose his own religious persuasion. Upon that question I give no opinion, because the words of this statute, the 21 & 22 Vict. c. 103, s. 7, are express and plain that "if the age of the juvenile offender does not exceed 16 years," he shall be sent to a reformatory under the exclusive management of persons of the same religious persuasion as that professed by the parents of such juvenile offender.

Mr. Barry said he was of opinion that if the boy was over 14 years of age, and could, as it was said by the eminent authority referred to, assert his common law right so as to override the express language of the Act, the result would be that he could not be sent to a reformatory at all.

The Recorder.—I think so too; however, I am not deciding that question now. I am precluded from considering it by the first branch of the enactment, the plain words of the Act.

An order was then made for the transfer of the boy to the Protestant reformatory above mentioned.

(signed) *Matthew Anderson,*
Crown Solicitor.

26 January 1861.

REGULATORY SCHOOLS (SUNDS)

LOPES da Silva, dated 27 December 1899, from the Ministry Secretary to the Danish Parliament, Regulatory Schools to the Inspector of Regulatory Schools, and of the Mayor of the Copenhagen Council of Police Affairs, dated 12 February 1900, of the Director of the Chief Secretary of Iceland, dated December 1899, ordering the Directors of Long, July, and of the Directorate on which each School was founded, and of the Minister of Culture Special to the Royal Government or Chief Secretary, dated 10 November and 22 December 1899, and of the Assistant Secretary, &c.

(for Edward Rogers.)

Received by the House of Assembly, in the Presence,
18 April 1900.

1899.

Under B no.